

**BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA**

In the matter of:

RUTH BARR

Respondent.

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2005-0026

FINAL ORDER

Following proper notice pursuant to the Administrative Procedure Act, the above-styled matter came before the State Ethics Commission on June 29, 2006. The hearing was held to determine whether Respondent violated O.C.G.A. § 21-5-34 by failing to file campaign contribution disclosure reports and whether Respondent violated O.C.G.A. § 21-5-50 by failing to file her financial disclosure report. After consideration of the record in this matter, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1.

The Respondent was a candidate for the office of Georgia House of Representatives District 60 at all times relevant to the matters asserted herein.

2.

The Respondent was required to file an original Campaign Contribution Disclosure Report for House of Representatives District 60 with the Secretary of State and to file a copy of the Report with the Fulton County Election Superintendent for the period ending June 30, 2004. The Respondent failed to file these reports.

3.

The Respondent was required to file an original Campaign Contribution Disclosure Report for House of Representatives District 60 with the Secretary of State and to file a copy of the Report with the Fulton County Election Superintendent for the period ending September 30, 2004. The Respondent failed to file these reports.

4.

The Respondent was required to file an original Campaign Contribution Disclosure Report for House of Representatives District 60 with the Secretary of State and to file a copy of the Report with the Fulton County Election Superintendent for the period ending October 30, 2004. The Respondent failed to file these reports.

5.

The Respondent was required to file an original Campaign Contribution Disclosure Report for House of Representatives District 60 with the Secretary of State and to file a copy of the Report with the Fulton County Election Superintendent for the period ending December 31, 2004. The Respondent failed to file these reports.

6.

The Respondent was required to file a Financial Disclosure Statement with the Secretary of State within fifteen days after qualifying for House of Representatives District 60 in the 2004 election cycle. The Respondent failed to file this statement.

CONCLUSIONS OF LAW

7.

“Candidates . . . shall file campaign contribution disclosure reports. . . [i]n each year in which the candidate qualifies to run for public office [o]n March 31, June 30, September 30, October 25, and December 31.” O.C.G.A. § 21-5-34(c)(2)(A).

8.

“In addition to other penalties . . . , an additional filing fee of \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed.” O.C.G.A. § 21-5-34(l).

9.

“[E]ach person who qualifies as a candidate [for the General Assembly] . . . shall file with the Secretary of State, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.” O.C.G.A. § 21-5-50(a).

10.

The Commission may impose a civil penalty not to exceed \$1,000.00 for each violation of the Ethics in Government Act. O.C.G.A. § 21-5-6(b)(14)(C)(i).

11.

Respondent failed to file all the campaign disclosure reports at issue in this case.

12.

Respondent failed to file the financial disclosure report at issue in this case.

13.

The Commission finds that Respondent violated O.C.G.A. § 21-5-34 due to her failure to file the campaign disclosure reports at issue in this case. The Commission finds that Respondent violated O.C.G.A. § 21-5-50 due to her failure to file the financial disclosure report at issue in this case.

14.

The Commission further finds that late fees in the amount of \$75.00 per late campaign disclosure report are required to be imposed by the Ethics in Government Act. *See* O.C.G.A. § 21-5-34.

THEREFORE, the Commission hereby concludes:

- 1) that the Respondent committed four violations of the Ethics in Government Act by failing to file Campaign Contribution Disclosure Reports during her campaign for House of Representatives District 60 in 2004 and committed one additional violation of the Ethics in Government Act by failing to file a financial disclosure report in 2004;
- 2) that the Respondent will cease and desist from any and all violations of the Ethics in Government Act and to comply with all the provisions thereof;
- 3) that the Respondent will pay \$600.00 in late fees for her failure to file Campaign Contribution Disclosure Reports within 30 days of the date this order is signed by the Commission;
- 4) that the Respondent will pay a civil penalty of \$500.00 for each period she failed to file a Campaign Contribution Disclosure Report (June 30, 2004,

September 30, 2004, October 30, 2004, and December 31, 2004) and for her failure to file her 2004 financial disclosure report, a total civil penalty of \$2,500.00, from personal funds and not from campaign funds or government funds for the failure to timely file Disclosure Reports, within 30 days of the date this order is signed by the Commission; and

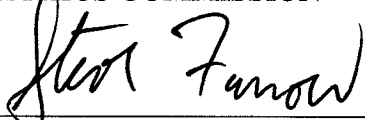
- 5) that the Respondent will file, within 30 days of the date this order is signed by the Commission, all outstanding reports for 2004, including disclosure reports and her financial disclosure report.

If the Respondent so chooses, she may appeal the findings of the State Ethics Commission within thirty (30) days of receipt of this written Order by following the procedures outlined in O.C.G.A. § 50-13-19.

SO ORDERED, this 21st day of September, 2006, *nunc pro tunc* to June 29, 2006.

STATE ETHICS COMMISSION

BY:



STEVE FARROW

State Ethics Commission